

ENTERED

July 02, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SHEON ANTHONY POLK,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 4:15-CV-2334

MRMORANDUM AND ORDER

Sheon Anthony Polk filed a petition for a writ of habeas corpus to challenge a prison disciplinary hearing. He seeks restoration of lost good time credit, and restoration of time earning status.

Respondent moved for summary judgment. Among the grounds raised in Respondent's motion is an argument that the petition is moot because Polk has been released on parole. *See* Motion for Summary Judgment (Doc. # 22), at 5-6, Exh. B. Polk did not respond to the motion.

"Under Article III of the Constitution this Court may only adjudicate actual, ongoing controversies." *Honig v. Doe*, 484 U.S. 305, 317 (1988). "Mootness has two aspects: 'when the issues presented are no longer "live" or the parties lack a legally cognizable interest in the outcome.'" *United States Parole Comm'n v. Geraghty*, 445 U.S. 388, 396 (1980) (quoting *Powell v. McCormack*, 395 U.S. 486, 496(1969)). "If a dispute has been resolved or if it has evanesced because of changed circumstances, including the passage of time, it is considered moot. With the designation of mootness comes the concomitant designation of non-justiciability." *American Med. Ass'n v. Bowen*, 857 F.2d 267, 270 (5th Cir. 1988)(citations omitted).

Because Polk has been released on parole, the dispute has evanesced through changed circumstances and there is no relief that this Court can grant for any losses suffered as a result of the disciplinary proceeding. Therefore, the petition is moot, and must be dismissed.

For the foregoing reasons, it is ORDERED that the Respondent's Motion for Summary Judgment (Doc. # 22) is GRANTED;

It is FURTHER ORDERED that Sheon Anthony Polk's Petition for a Writ of Habeas Corpus (Doc. # 1) is DISMISSED WITHOUT PREJUDICE AS MOOT.

It is so ORDERED.

SIGNED on this 2nd day of July, 2018.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge